

03-22-01

CPA/1655

Customer No. 000959

REQUEST FOR CONTINUED PROSECUTION APPLICATION (CPA) UNDER 37 CFR 1.53(d)
(former Rule 1.62)

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MAR 20 2001

DOCKET NUMBER	ANTICIPATED CLASSIFICATION OF THIS APPLICATION:		PRIOR APPLICATION SERIAL NUMBER: 09/374,554	PRIOR APPLICATION FILING DATE: AUGUST 13, 1999
MRI-005CP2CPA	CLASS:	SUBCLASS:	EXAMINER: J. GOLDBERG	ART UNIT: 1655

#7
B. Webb
4/4/01

COMMISSIONER FOR PATENTS
BOX CPA
WASHINGTON, DC 20231

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CERTIFICATION UNDER 37 CFR 1.10	
Date of Deposit: <u>March 20, 2001</u>	Mailing Label Number: <u>EL 373208415 US</u>
I hereby certify that this 37 CFR 1.53(d) request and the documents referred to therein as enclosed are being deposited with the United States Postal Service on the date indicated above in an envelope as "Express Mail Post Office to Addressee" service under 37 CFR 1.10 and addressed to the Commissioner for Patents, Box CPA, Washington, D.C. 20231.	
<u>Viriato G. Cardoso</u> Name of Person Mailing Paper	<u>Viriato G. Cardoso</u> Signature of Person Mailing Paper

Dear Sir:

This is a request for filing a ☒ continuation ☐ divisional application under 37 CFR 1.53(d), of pending prior application serial no. 09/374,554 filed on August 13, 1999, entitled METHODS AND COMPOSITIONS FOR THE IDENTIFICATION AND ASSESSMENT OF CANCER THERAPIES which was filed by the following named inventor(s).

<u>FULL NAME OF INVENTOR</u>	<u>RESIDENCE ADDRESS</u>	<u>CITIZENSHIP</u>
Andrew W. Shyjan	177 Barford Avenue, San Carlos, CA 94070	United States of America
	<u>POST OFFICE ADDRESS</u>	
<u>FULL NAME OF INVENTOR</u>	<u>RESIDENCE ADDRESS</u>	<u>CITIZENSHIP</u>
Christophe Van Huffel	13, Rue Albert De Bast, B-1083, Brussels, Belgium	Belgium
	<u>POST OFFICE ADDRESS</u>	

The above-identified prior application in which no payment of the issue fee, abandonment of, or termination of proceedings has occurred, is hereby expressly abandoned as of the filing date of this Continued Prosecution Application. Please use all the contents of the prior application file wrapper, including the drawings, as the basic papers for the new application.

03/23/2001 SSESHE1 00000040 09374554

01 FC:131	710.00 OP
02 FC:102	480.00 OP
03 FC:103	360.00 OP

1. ☒ This application discloses only subject matter disclosed in the prior application whose particulars are set out above and the inventor(s) in this application are
☒ the same, or
☐ less than those named in the prior application. Please delete the following named inventors:

2. ☐ Enter the amendment previously filed on _____ under 37 CFR 1.116 but unentered, in the prior application.

3. ☐ A preliminary amendment is enclosed.

The filing fee is calculated on the basis of the claims existing in the prior application as amended at 2 and 3 above.

	NUMBER OF CLAIMS FILED			NUMBER EXTRA
TOTAL	* 40	MINUS	** 20	= 20
INDEP.	* 9	MINUS	*** 3	= 6
<input type="checkbox"/> MULTIPLE DEPENDENT CLAIMS				

SMALL ENTITY	
RATE	FEE
x 9 =	\$0.00
x 40 =	\$0.00
+135 =	\$0.00
BASIC FEE	\$0.00
TOTAL	\$0.00

OTHER THAN A SMALL ENTITY	
RATE	FEE
x 18 =	\$ 360.00
x 80 =	\$ 480.00
+ 270 =	\$0.00
BASIC FEE	\$710.00
TOTAL	\$1550.00

4. ☒ The Commissioner is hereby authorized to charge any additional fees under 37 CFR 1.16 and 1.17 which may be required, or credit any overpayments, associated with this communication, to Deposit Account No. 12-0080. For this purpose a duplicate of this document is enclosed.
5. ☒ A check in the amount of \$1,550.00 is enclosed for payment of the filing fee.
6. ☐ A verified statement claiming small entity status was filed in the parent application Serial No. _____ on _____ and is still deemed proper, and its benefit under 37 CFR 1.28(a) is hereby claimed.
7. ☒ Priority of U.S. application Serial No. 09/374,554, filed August 13, 1999, and U.S. application Serial No. 09/322,864, filed on May 28, 1999, and U.S. application Serial No. 09/233,611 filed on January 19, 1999 is claimed under 35 U.S.C. 120. Priority of U.S. application Serial No. 60/079,399, filed March 26, 1998, and U.S. application Serial No. 60/071,940, filed January 20, 1998, and U.S. application Serial No. 60/105,968, filed October 28, 1998, is claimed under 35 U.S.C. 119.
8. ☒ The prior application is assigned of record to: Millennium Pharmaceutical, Inc.; recorded November 23, 1999, Reel 10392, Frames 0971-0973.
9. ☒ The power of attorney in the prior application is to Lahive & Cockfield, LLP.
10. ☒ A request for a Five month extension of time has been submitted in the parent application, Serial No. 09/374,554, in order to establish copendency with the present application (a copy of the request for extension is enclosed).
11. ☐ Also enclosed:

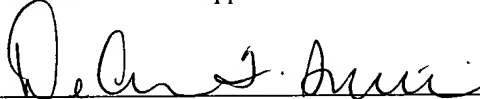
12. ☒ Address all future communications (may only be completed by applicant or attorney or agent of record) to DeAnn F. Smith, Esq. **Customer No. 000959**, whose address is:

LAHIVE & COCKFIELD, LLP
28 State Street
Boston, MA 02109

It is understood that secrecy under 35 U.S.C. 122 is hereby waived to the extent that if information or access is available to any one of the application in the file wrapper of a 37 CFR 1.53(d) application be it either this application or a prior application in the same file wrapper, the Patent and Trademark Office may provide similar information or access to all the other applications in the same file wrapper.

March 20, 2001

Date


Deann F. Smith, Reg. No. 36,683

☐ Inventor(s)

☒ Attorney or Agent of Record